

REVENUE: No revenue impact
FISCAL: Fiscal statement issued

Action: Do Pass with Amendments the A-Eng. Measure and Be Referred to the Committee on Rules
(Printed B-Eng)
Vote: 5 - 0 - 0
Yeas: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
Nays: 0
Exc.: 0
Prepared By: Bill Taylor, Counsel
Meeting Dates: 5/22, 5/26, 5/28

WHAT THE MEASURE DOES: Allows the Chief Justice of the Oregon Supreme Court to make rules coordinating probation for persons on probation in more than one court. Limits a judge to imposing no more than 60 days in jail for a probation violation. Allows a reduction in a person's probation for good behavior, but not to exceed 50 percent. Reduces the term of active post-prison supervision and probation. Allows for an extension of post-prison supervision and a return to active supervision status. Streamlines the commutation process for illegal immigrants serving time for a nonviolent felony and who agree not to object to deportation. Reduces the penalty for possession of a controlled substance from a B or C felony to an A misdemeanor if the amount possessed is .05 grams or less or 2 grams or less if the person is a first-time offender.

ISSUES DISCUSSED:

- Public safety

EFFECT OF COMMITTEE AMENDMENT: Replaces the bill.

BACKGROUND: Oregon is, as is the rest of the nation and the world, in a severe economic downturn. This downturn has caused a substantial reduction in tax revenues and consequently requires significant reductions in our state spending including spending pertaining to public safety. This bill is intended to streamline the criminal justice process.

Currently ORS 137.547 sets forth a detailed process for how courts handle persons on probation in more than one court. This statutory process causes duplication and waste. It is a matter best left for courts to work out.

Sanctions, particularly jail time, work best when swift and certain. Research shows that an offender on probation or post-prison supervision is most likely to reoffend within the first six months and the rate of reoffense is very low after one year. Also, allowing an offender to reduce the length of supervision rewards good behavior, reduces recidivism and allows probation departments to focus on higher risk offenders.

Article V, section 14 of the Oregon Constitution, specifically grants to the Governor the power grant "reprieves, commutations, and pardons after conviction for all offenses except treason. ORS 144.649 to 144.670 sets forth the process and procedure for applying for a commutation, pardon or reprieve.